

REMARKS

Reconsideration of this application, as amended, is requested.

Claims 1, 3, 5-8 and 20-27 remain in the application. Independent claim 1 has been amended to define the invention more clearly. Dependent claims 3 and 8 have been amended to conform to amended claim 1. New independent claim 20 and new dependent claims 21-27 have been added.

The Examiner raised formal objections to claims 4, 10 and 16.

Claims 4, 10 and 16 have been canceled.

Claims 8, 13 and 19 were rejected under 35 USC 112, first paragraph and 35 USC 112, second paragraph. These rejections pertained to the term "hollows".

Claims 13 and 19 have been canceled. Claim 8 has been amended to define opposite side edges of the absorber as being concave. Amended claim 8 has clear support in FIG. 13C where the opposite side edges 6 of the absorber are concave.

Claims 1-5, 9-11 and 14-17 were rejected under 35 USC 103(a) as being obvious over Tachibana et al. (US 2002/0046802) considered in view of Igaue et al. (US 5,858,151). The Examiner identified the elements of the Tachibana et al. reference that correspond to original claim 1. The Examiner acknowledged that the Tachibana et al. reference fails to disclose the method step of halving the elastic strip material so that protrusions and recesses ultimately appear. However, the Examiner turned to Igaue et al. in an effort to overcome this admitted deficiency of Tachibana et al.

Paragraph 0004 of the application explains that the existence of an elastic member on the front part or the back part of a disposable wearing article is likely to generate wrinkles. However, the disposable wearing article can look nicer and the product

value thereof can be improved if the front part and the back part are not wrinkled. The application also explains that a manufacturing method that reduces trimmed parts will reduce production costs.

The claimed invention enables production efficiencies and avoids the objectionable wrinkling on the front and rear parts of the disposable wearing article. In this regard, the method defined by amended claim 1 includes a first step of producing an elastic strip material by sandwiching two elastic members between two webs with the elastic members being in a stretched state in the longitudinal direction of the webs. Additionally, and significantly, the elastic members are at positions apart from a widthwise center of the web. The method of amended claim 1 then includes a second step of halving elastic strip material in a center area between the elastic members so that protrusions and recesses ultimately appear for defining a first elastic strip and a second elastic strip. The method of amended claim 1 proceeds with a third step of "separating the first elastic strip and the second elastic strip from one each other in a widthwise direction" and then a fourth step of shifting the first elastic strip from the second elastic strip in the longitudinal direction so that the protrusions of the first and second elastic strips come into the same phase. Thus the method defines "aligned pairs of protrusions" with "the protrusion in each of the aligned pairs of protrusions being spaced apart in the widthwise direction." Amended claim 1 proceeds with a fifth step of attaching absorbers on respective predetermined parts of the first and second elastic strips so that the absorbers lie over the protrusions in each of the pairs of the first and second elastic strips. Furthermore, amended claim 11 defines forming less shrinking force of parts on the two elastic members at portions corresponding to the respective protrusions of the first and second elastic

strips. The claimed method achieves a very efficient use of material and avoids the wrinkling effect of elastic on portions of the two elastic members that will correspond to the front and rear panels of the disposable wearing article. However, the elastic members will exist at the functionally important areas such as the waist (claim 3) or the legs (claim 8).

The Tachibana et al. reference relates to a method for producing a disposable wearing article that includes a step of sandwiching an elastic member between two webs and a step of forming less shrinkage force parts on the elastic member. However, the disposable wearing article of Tachibana et al. does not suggest attaching an absorber on parts of the first and second elastic strips that are separated from each other. Rather, the Tachibana et al. reference is formed by bending one elastic strip. Tachibana et al. also does not suggest "halving the elastic strip material" or the claimed "separating" step. Thus, the Tachibana et al. reference would require the major revisions of not providing the elastic members in the longitudinal central region of the elastic strip material, followed by the step of halving the elastic strip material to define first and second elastic strips, separating the halved strips from each other in a widthwise direction and then shifting the defined first and second elastic strips longitudinally so that the protrusions are in phase. Tachibana et al. also does not suggest the provision of less shrinkage force parts on portions of the two elastic members corresponding to the protrusions.

The Igaue et al. reference does teach halving the web material into two strips with wavy edge lines. However, the Igaue et al. reference does not teach separating the halved strips from each other in a widthwise direction, and to the contrary teaches that the aligned protrusions on the two strips are overlapped. Additionally, the elastic strips 12 of Igaue et al. extend continuously along the wavy edges that are cut in the formation of the

two strips. These elastic areas then are overlapped with one another through the crotch area when the protrusions are overlapped. Nothing in the Igaue et al. reference suggests having the two opposed protrusions spaced from one another, and nothing suggests the structure or desirability of having the claimed less shrinking force parts. Accordingly, it is submitted that the invention defined by amended claims 1, 3 and 5 is not taught or suggested by the hypothetical combination of Tachibana et al. and Igaue et al.

Claims 6, 7, 12 and 18 were rejected under 35 USC 103(a) as being obvious over Tachibana et al. in view of Igaue et al. and considered further in view of Kitaoka et al. (US 5,342,343). As noted above, claims 12 and 18 have been canceled. As a result, it is assumed that this rejection would be applied only to amended claims 6 and 7. The Examiner acknowledged that Tachibana et al. and Igaue et al. have failed to disclose the use of flaps at opposite sides of the absorber. The Kitaoka et al. reference was cited for teaching a disposable diaper that uses flaps on opposite sides of an area that has a liquid-absorbent core.

The Kitaoka et al. reference does not overcome the deficiencies of Tachibana et al. and Igaue et al. when applied to amended claim 1 for the reasons set forth above. Accordingly, it is submitted that the invention defined by claims 6 and 7 is not rendered obvious by Tachibana et al. in view of Igaue et al. and further in view of Kitaoka et al.

Claims 8, 13 and 19 were rejected under 35 USC 103(a) as being obvious over Tachibana et al. in view of Igaue et al. and further in view of Ando et al. (US 5,270,634). As noted above, claims 13 and 19 have been canceled. However, claim 8 remains. The Examiner acknowledged that Tachibana et al. and Igaue et al. do not

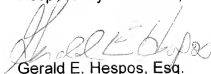
disclose an absorber with opposite sides configured as recited in original claim 8. The Ando et al. reference shows an absorber with concave side edges. As a result, the Examiner concluded that it would be obvious to combine Ando et al. with Tachibana et al. and Igaue et al.

The Ando et al. reference does not overcome the deficiencies of Tachibana et al. and Igaue et al. as applied to amended claim 1 for the reasons set forth above. As a result, it is submitted that claim 8 is patentable over the applied art.

New independent claim 20 is similar to amended claim 1, but is more specific. Accordingly new claim 20 and its dependent claims are believed to be patentable over the prior art for at least the reasons set forth above.

In view of the preceding amendments and remarks, it is submitted that all of the claims remaining in the application are directed to patentable subject matter and allowance is solicited. The Examiner is urged to contact applicants attorney at the number below to expedite the prosecution of this application.

Respectfully submitted,



Gerald E. Hespos, Esq.
Atty. Reg. No. 30,066
Customer No. 001218
CASELLA & HESPOS LLP
274 Madison Avenue - Suite 1703
New York, NY 10016
Tel. (212) 725-2450
Fax (212) 725-2452

Date: March 3, 2008